

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

HAMILTON COUNTY EMERGENCY  
COMMUNICATIONS DISTRICT,  
et al.,

Plaintiffs,

vs.

BELLSOUTH  
TELECOMMUNICATIONS, LLC,  
d/b/a AT&T TENNESSEE,

Defendant.

CONSOLIDATED CASES:

1:11-CV-330  
(Lead Case);  
1:12-CV-003;  
1:12-CV-056;  
1:12-CV-131;  
1:12-CV-138;  
1:12-CV-139;  
1:12-CV-149;  
1:12-CV-166;  
1:12-CV-176;  
1:12-CV-186

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VIDEOTAPED 30(b)(6) DEPOSITION OF  
LINDA ANN FISHER

9:05 a.m.

November 26, 2013

1100 Peachtree Street, N.E.

Atlanta, Georgia

Christy L. Farrar, CCR-B-2178



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1 subsidiary of AT&T. And I'm going to be referring to  
2 BellSouth, the defendant in this case, either by  
3 BellSouth or the company, and when I do that, please  
4 understand that I'm going to be referring to the  
5 defendant in this lawsuit. Okay?

6 A. Yes.

7 Q. You're doing a great job of answering all  
8 the questions verbally. And if you would please  
9 remember to do that, that's very important for the  
10 record.

11 It's my understanding that the company has  
12 designated you to speak for the company on several  
13 topics. I'd like to review with you those topics at  
14 that point.

15 Could I get Exhibit 1, please?

16 MR. HITCHCOCK: Can we go off the record  
17 just a minute?

18 MR. BRESLIN: Sure.

19 THE VIDEOGRAPHER: The time is 9:10 a.m.  
20 We're off the record.

21 (Discussion ensued off the record.)

22 THE VIDEOGRAPHER: The time is 9:15 a.m.  
23 We're back on the record.

24 Q. (By Mr. Hitchcock) Ms. Fisher, you have  
25 before you Exhibit 1, which is a copy of the



1 Rule 30(b)(6) notice that the plaintiffs prepared and  
2 served upon the defendant. I understand that you  
3 have been designated to speak on topics 9, 16, 17, 19  
4 and 20.

5 Would you turn to topic 9, please, the  
6 first one? Do you see that?

7 A. Yes.

8 Q. And topic 9 states: Defendant's  
9 understanding and interpretation of its duties,  
10 obligations and responsibilities under the ECD law  
11 and the basis of its understanding and  
12 interpretation.

13 You've been designated to speak on behalf  
14 of the defendant as to that topic; correct?

15 A. Yes, as to filings and remittance.

16 Q. Okay. And will you turn to topic 16,  
17 please? Topic 16 states: The practices and  
18 processes utilized by defendant in billing,  
19 collecting, reporting and remitting E911 surcharges  
20 to plaintiff ECDs.

21 You've been designated to speak on behalf  
22 of the corporation as to that topic as well; is that  
23 correct?

24 A. With respect to reporting and remitting.

25 Q. And topic 17 states: The practices and



1 processes utilized by defendant for auditing,  
2 controlling or supervising how 911 surcharges are  
3 billed, collected and remitted to the plaintiff ECDs.

4 And you've been designated to speak on  
5 behalf of the corporation as to that topic as well;  
6 is that correct?

7 A. Yes, as to the remittance.

8 Q. Topic 19 states: The creation,  
9 verification and submission of the monthly reports  
10 and annual reports to the plaintiff ECDs.

11 And you've been designated to speak on  
12 behalf of the corporation as to that topic as well;  
13 is that correct?

14 A. Yes.

15 Q. Topic 20 states: The practices and  
16 processes used in preparing monthly reports and  
17 annual reports, including for the entries related to  
18 reporting of residential line and commercial line  
19 accounts, uncollectible amounts, administrative fees  
20 and verification.

21 And you've been designated as the  
22 corporation to speak on its behalf as to that topic  
23 as well; is that correct?

24 A. Yes.

25 Q. Okay. Now, you understand that your



1 testimony will bind the company and will be the  
2 testimony of the company as to these topics; is that  
3 correct?

4 A. Yes.

5 Q. Are you prepared to testify on behalf of  
6 the corporation as to these topics?

7 A. Yes.

8 Q. Okay. Ms. Fisher, you've heard the  
9 topics, and we've reviewed those with you.

10 What did you do to prepare for your role  
11 as the designee of the company as to those topics?

12 A. I met with legal counsel and reviewed  
13 documents contained in several large binders.

14 Q. Okay. Were you given direction as to any  
15 other documents to look at other than what were in  
16 those binders?

17 A. No.

18 MR. HITCHCOCK: Could we please mark the  
19 binders as the next numbered exhibit?

20 MR. BRESLIN: There's two binders. I  
21 don't know if you want to do two separate  
22 exhibits, but I couldn't find one large enough  
23 to hold all this stuff.

24 MR. GREENHOLTZ: Two exhibits will be  
25 fine.



1 A. Not to my knowledge.

2 Q. Is this a form that the districts  
3 submitted to BellSouth to use for remittance  
4 purposes?

5 A. I don't know.

6 Q. Do you know who created -- within  
7 BellSouth, who created the form?

8 A. No.

9 Q. Is this a form that the Tennessee  
10 Emergency Communication Board created and required  
11 BellSouth to use?

12 A. I don't know.

13 Q. Is this a form that the Tennessee ECD --  
14 the Tennessee Emergency Communication Board had any  
15 input into as to content?

16 A. I don't know.

17 Q. Is this a -- is this same form -- strike  
18 that.

19 During the period this form was used, was  
20 it used in more states than just in Tennessee?

21 A. I don't know.

22 Q. Okay. The company does not know what  
23 states this form was used in?

24 A. I know that we used forms. I haven't sat  
25 and compared the precise language and format.



1 Q. So the company does not know what states  
2 this form was used?

3 A. I know that we prepared similar letters in  
4 all of the southeast states. I don't know the format  
5 and the language that was used.

6 Q. Was there a special separate form prepared  
7 for use only in Tennessee?

8 A. Well, this talks about in accordance with  
9 Tennessee legislature, so this relates to Tennessee.

10 Q. Okay. And what does that language mean?  
11 The first sentence, if you'd read into the  
12 record the first sentence, please.

13 A. That what it means, in my opinion, is that  
14 this form is being submitted in accordance with the  
15 law to reflect what we have billed and collected  
16 relative to the 911 surcharge.

17 Q. Okay. And what is the basis for the  
18 understanding you've just described of the first  
19 sentence of the form marked as Exhibit 114?

20 A. Well, it's -- I understand what the  
21 numbers represent, and it's my opinion that that's  
22 what it's trying to say is that -- that's just how I  
23 would interpret it, that this information is to meet  
24 the requirement of filing billed and collected  
25 amounts with the Tennessee --





1 Q. Okay.

2 MR. BRESLIN: Tennessee... Finish your  
3 sentence. You said, filing billed and collected  
4 amounts with the Tennessee...

5 THE WITNESS: With the emergency telephone  
6 surcharge, wherever we remitted the -- the  
7 communications district.

8 Q. (By Mr. Hitchcock) Okay. Now, I'm asking  
9 you this question as a designated representative --

10 A. Okay.

11 Q. -- on topic 19.

12 A. Okay. Yes.

13 Q. What does the first sentence in the  
14 reports assembled in Exhibit 114 that reads, In  
15 accordance with the Tennessee legislature, AT&T  
16 Tennessee has billed and collected emergency  
17 telephone surcharges as stated below?

18 MR. BRESLIN: Asked and answered.

19 Q. (By Mr. Hitchcock) What does that  
20 sentence mean?

21 MR. BRESLIN: Asked and answered.

22 THE WITNESS: In my interpretation, what  
23 it's intended to mean is that we are submitting  
24 these forms as required under the law,  
25 representing the amounts that we billed and



1 collected.

2 Q. (By Mr. Hitchcock) And does it mean that  
3 the billing and collecting was done in accordance  
4 with the Tennessee law?

5 A. No. It means this reporting is done in  
6 accordance with the Tennessee law.

7 Q. And what is the basis for your testimony  
8 as to that interpretation? Who told you that?

9 A. Well, I'm just -- I'm just interpreting --  
10 the reason that I think it's that's way is that we're  
11 meeting the requirement of the filings. And this is  
12 a filing that was attempting to meet those reporting  
13 requirements.

14 Q. Does the Tennessee Emergency Communication  
15 District Law require BellSouth to bill and collect  
16 911 surcharges?

17 MR. BRESLIN: Form. Outside of her topic.

18 MR. HITCHCOCK: It's not outside topic 9.

19 MR. BRESLIN: Well, it's outside of what  
20 she was designated for topic 9. We all know  
21 that.

22 It's outside of your topic. You can  
23 answer him, if you know, but don't guess.

24 THE WITNESS: Could you repeat the  
25 question?



1 Q. (By Mr. Hitchcock) Certainly.

2 Does the Tennessee law require BellSouth  
3 to bill and collect 911 surcharges on every line in  
4 service?

5 MR. BRESLIN: Same objection. Outside of  
6 her topic.

7 THE WITNESS: I don't know.

8 Q. (By Mr. Hitchcock) Does -- why has the  
9 company's interpretation of the first sentence of  
10 this form changed?

11 MR. BRESLIN: Form. Mischaracterizes.  
12 And assumes facts.

13 THE WITNESS: I don't know why you mean  
14 it's changed.

15 Q. (By Mr. Hitchcock) You're not aware that  
16 it's changed?

17 A. No.

18 Q. You're not aware that Jan McNorton  
19 testified on behalf of the company that it, in fact,  
20 meant something different from what you've just  
21 described?

22 A. No, I'm not aware of that. And I was  
23 telling you what my opinion was.

24 Q. Well, you were asked that question as a  
25 representative of the company.



1                   And my question to you now is: When has  
2 the company's interpretation changed?

3           A.       I didn't design the form, and I'm assuming  
4 that this -- I'm not sure why -- what she testified  
5 about, but it is my interpretation that this is meant  
6 to represent what we are required to remit and file.

7           Q.       Okay. Please understand, this is topic 19  
8 that I'm asking you on. You've been designated as  
9 the corporation's representative.

10                   And I'm asking you to please tell me, when  
11 did the corporation's, the company's, interpretation  
12 of the first sentence of the form that is assembled  
13 in Exhibit 114 change?

14                   MR. BRESLIN: Form. Mischaracterizes and  
15 misleading. Asked and answered.

16                   THE WITNESS: Well, again, this seems very  
17 simple to me. It says that we billed and  
18 collected these surcharges below. And -- and  
19 this -- this form is representative of what we  
20 billed and collected. So I don't know what  
21 someone else represented.

22           Q.       (By Mr. Hitchcock) Okay. Were you told  
23 that the company had earlier explained that it had a  
24 different interpretation of that first sentence?

25           A.       No.



1 MR. BRESLIN: Form. Mischaracterizes.

2 Q. (By Mr. Hitchcock) Do you know who  
3 Jan McNorton is?

4 A. I do.

5 (Plaintiffs' Exhibits-115 and -116 were  
6 marked for identification.)

7 Q. (By Mr. Hitchcock) I'm handing to you as  
8 Exhibit 115. This is a copy of the transcript of a  
9 deposition that was given by Ms. McNorton in which  
10 she appeared as you are today, as a company  
11 representative in another piece of litigation in this  
12 case. It was Madison County Communications District  
13 and BellSouth Telecommunications in the Northern  
14 District of Alabama. And in this case, Ms. McNorton  
15 was asked what I have asked you, and that is, what  
16 the language that is in the first sentence of  
17 Exhibit 114 means.

18 Would you please look at page 17? Those  
19 are four pages per page, so I'm referring to the page  
20 number of the individual small --

21 A. Oh, I'm sorry.

22 Q. -- two-sided page. That's fine.

23 Do you see page 17?

24 A. Yes.

25 Q. And the question that starts at line 19 of



1 page 17 was, Now, on the front, the first paragraph  
2 of Plaintiff's Exhibit 2, it states, In accordance  
3 with the Alabama legislature. Why does BellSouth put  
4 that information in the remittance letter?

5 That was the question.

6 What I'd like to do is show you Exhibit 2.  
7 So, in fairness, you're going to have that in front  
8 of you, and you can refer to what they were referring  
9 to. I've marked as Exhibit 116 Exhibit 2 to  
10 Ms. McNorton's deposition, and that's what was  
11 referred to in the question that I just read into the  
12 record.

13 Do you see that before you?

14 A. Yes.

15 Q. And is Exhibit 2 the same form as those  
16 that are assembled in Exhibit 114? Strike that.

17 Is Exhibit 116 the same form as was  
18 assembled in Exhibit 114 with the exception of the  
19 reference to the state?

20 A. Yes.

21 Q. All right. Now, the question, then, was:  
22 Okay. Now, on the front, the first paragraph of  
23 Plaintiff's Exhibit 2, it states, in accordance with  
24 the Alabama legislature. The question was: Why does  
25 BellSouth put that information in the remittance



1 letter?

2 Her answer was, on behalf of the  
3 corporation: Because in accordance with the Alabama  
4 legislature, we are billing and collecting the 911.

5 Is that what that language means in  
6 Exhibit 114?

7 MR. BRESLIN: Asked and answered.

8 THE WITNESS: Well, what it means, she  
9 said we are billing and collecting, and what I'm  
10 saying is, this is what we billed and collected.

11 Q. (By Mr. Hitchcock) Does the form that is  
12 in Exhibit 114 say that, in accordance with the  
13 Alabama legislature, we are billing and collecting  
14 the 911 as Ms. McNorton said it did?

15 A. Well, she said that we are billing and  
16 collecting, and then you went on to ask her separate  
17 questions about it. So what I'm telling you is this  
18 document, and they both appear to be the same, has  
19 said that we have billed and collected the surcharges  
20 stated below. And that's what this information  
21 reflects.

22 Q. Okay. Excuse me.

23 A. And so, you know, to go on and say what we  
24 did and didn't bill, that's not what it says. It  
25 says these are what we billed and collected.



1 Q. Please read the next question and answer.  
2 The next question was: And in doing so, your basis  
3 for doing that is based on Alabama law; correct?

4 What was Ms. McNorton's answer?

5 A. Correct.

6 Q. And the next question was: And you're  
7 representing that you were billing the 911 fee  
8 according to the terms of the law?

9 There was an objection by BellSouth's  
10 attorney.

11 What was Ms. McNorton's answer after the  
12 objection?

13 A. She said yes.

14 Q. Okay. Line 15, page 18.

15 A. That's my understanding.

16 Q. And that's what she said?

17 A. Uh-huh.

18 Q. All right. Now, does the form included in  
19 Exhibit 114 represent that BellSouth is billing the  
20 911 fee according to the terms of the law?

21 A. Well, that's not -- I mean, you asked more  
22 questions about are you doing it in terms of the law,  
23 but that wasn't necessarily what this sentence  
24 represented; right? Because in accordance with the  
25 Alabama legislature, we are billing and collecting





1 the 911, which we -- we are billing and collecting  
2 Tennessee 911. And in doing so, that is the basis of  
3 the Alabama law; correct.

4 Well, that's not what this is saying.  
5 This is saying that this is what we billed and  
6 collected.

7 Q. Okay. My question to you: Is BellSouth  
8 representing on the form that is included in  
9 Exhibit 114 that BellSouth is billing the 911 fee  
10 according to the terms of the law?

11 MR. BRESLIN: Form. And asked and  
12 answered.

13 THE WITNESS: That's not my  
14 interpretation. I'm saying that this says that  
15 we are reflecting, in accordance with the law,  
16 the following billed and collected amounts.  
17 This is a remittance, not a billing form.

18 Q. (By Mr. Hitchcock) Please understand I'm  
19 asking you as BellSouth's representative.

20 A. Yes.

21 Q. So I'm asking what the company's  
22 understanding is. What is the company's answer to  
23 the question: Is BellSouth representing that it is  
24 billing the 911 fee according to the terms of the  
25 law?



1 MR. BRESLIN: Asked and answered. Form.

2 THE WITNESS: I would say that the  
3 company's answer is that this -- that what we're  
4 saying in this sentence is this is what we  
5 billed and collected under the law.

6 Q. (By Mr. Hitchcock) And has anyone told  
7 you that that's the company's answer today?

8 A. No.

9 Q. Has anyone suggested how you answer a  
10 question about Exhibit -- the form that is included  
11 in Exhibit 114?

12 A. No.

13 Q. Okay. Would you please read into the  
14 record the first sentence of Exhibit 114?

15 A. In accordance with the Tennessee  
16 legislature, AT&T Tennessee has billed and collected  
17 emergency telephone surcharges as stated below.

18 Q. Would you please read into the record the  
19 first sentence of Exhibit 116?

20 A. In accordance with the Alabama  
21 legislature, BellSouth has billed and collected  
22 emergency telephone surcharges as stated below.

23 Q. Okay. It is the company's position that  
24 Exhibit 114 contains no representation that the 911  
25 charges have been billed and collected in accordance



1 with Tennessee law. Is that the company's testimony?

2 MR. BRESLIN: Form. Vague,  
3 mischaracterizes and asked and answered.

4 THE WITNESS: That's correct.

5 Q. (By Mr. Hitchcock) Is it the company's  
6 position that the form that has been marked as  
7 Exhibit 116, the first sentence of that form,  
8 contains no representation that 911 charges were  
9 billed and collected in accordance with Alabama law?

10 MR. BRESLIN: Outside her topic. Object  
11 to form. Not what you're designated to testify  
12 on.

13 THE WITNESS: Again, what I believe that  
14 this is to represent is that this form is  
15 submitted in accordance with Tennessee law and  
16 it -- Alabama law, and it reflects the amounts  
17 billed and collected.

18 Q. (By Mr. Hitchcock) And that is the  
19 company's position regardless of the contrary  
20 testimony on the company's behalf of Ms. McNorton in  
21 2007; is that correct?

22 MR. BRESLIN: Form. Mischaracterizes  
23 Exhibit G or whatever this was.

24 THE WITNESS: Yes.

25 Q. (By Mr. Hitchcock) When Ms. McNorton



1           A.       That's the only -- only the remittance  
2 forms are what we have provided to the districts, to  
3 my knowledge, for their information.

4           MR. HITCHCOCK:   Okay.   Go off the record  
5 and have a short break, and we'll see if we  
6 can --

7           MR. BRESLIN:    Okay.

8           THE VIDEOGRAPHER:   The time is 4:58 p.m.  
9 We're off the record.

10           (Discussion ensued off the record.)

11           THE VIDEOGRAPHER:   The time is 5:03 p.m.  
12 We're back on the record.

13           MR. HITCHCOCK:   Ms. Fisher, thank you very  
14 much for your time and patience today.   I have  
15 no further questions.

16           THE WITNESS:    Thank you.

17           DIRECT EXAMINATION

18           BY-MR. BRESLIN:

19           Q.       Ms. Fisher, I just have a couple of really  
20 brief questions.

21                    Do you recall, before the break we just  
22 took, Mr. Hitchcock asking you about the information  
23 that BellSouth provides to the districts in terms of  
24 its remittances for 911?

25           A.       Yes.



1 Q. And I believe your testimony was that the  
2 remittance reports are all the information that  
3 BellSouth provides to the plaintiffs or the ECDs.

4 Do you recall testifying to that?

5 A. Yes.

6 Q. If an emergency communication district  
7 were to call someone in your division with a question  
8 about what's on the remittance reports, what would  
9 happen?

10 A. We would attempt to answer their questions  
11 and provide whatever was necessary to satisfy their  
12 inquiry.

13 Q. Have you ever had an emergency  
14 communications district ask a question of your group?

15 A. Yes.

16 Q. About the remittances?

17 A. Yes, and -- and -- and I'm not sure  
18 which -- which one and if it was the state of  
19 Tennessee or whatever, but we routinely get questions  
20 in regarding remittance forms, and -- and we handle  
21 those by responding and satisfying them.

22 Q. If it was a Tennessee ECD versus an ECD  
23 from another state, would that impact how much effort  
24 your group put into trying to find an answer for  
25 them?



1 A. No.

2 MR. HITCHCOCK: Objection. Leading.

3 Q. (By Mr. Breslin) So does your group treat  
4 Tennessee ECDs differently from any other state ECDs  
5 in terms of assisting them with questions?

6 A. No.

7 Q. And have you ever -- do you ever recall a  
8 time when an ECD from any state called and had a  
9 question about what was on their remittance report  
10 and your group said, Sorry, we're not going to help  
11 you?

12 A. No.

13 Q. So, for example, if a -- one of the  
14 plaintiff ECDs in this case were to call and ask you  
15 what this heading on Plaintiffs' Exhibit 119 that  
16 says Less Exempt Units means, what would your group  
17 do?

18 A. We would explain what it means.

19 Q. Okay. If the same situation -- there was  
20 any question about any information on a form such as  
21 Plaintiffs' 119, would you -- what would you do?

22 A. We would explain what the data represents  
23 and try to understand what the nature of their  
24 request is and satisfy them.

25 Q. What if you and the people in your



1 particular group or division didn't know the answer  
2 to their question?

3 A. We would investigate it and find an  
4 answer.

5 Q. Have you ever -- do you ever recall a time  
6 when you weren't able to find an answer that, at  
7 least to your knowledge, satisfied the ECD that was  
8 calling?

9 A. No.

10 Q. Are you sure?

11 A. No. No. Are you saying we didn't  
12 satisfy? I'm not aware of any time where we didn't  
13 satisfy them. We've always satisfied them.

14 Q. To your knowledge?

15 A. Yes.

16 MR. BRESLIN: Okay. That's all I have.

17 RECROSS-EXAMINATION

18 BY-MR. HITCHCOCK:

19 Q. Just very briefly. Can you give me any  
20 examples of the types of questions that your group  
21 has received from emergency communication districts  
22 concerning remittance forms?

23 A. We've received questions as to why the  
24 remittance amounts have gone down, why the  
25 uncollectibles have been higher.

